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Attorney Docket No.: 18921-001 NATL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/936,095 Confirmation Number: 9297  
Applicant(s): Derek L. Stemple, *et al.*  
Filing Date: June 6, 2002  
TC/A.U.: 1637  
Examiner: Teresa E. Strzelecka  
Docket No.: 18921-001 NATL  
Customer No.: 35437  
For: **METHOD FOR DIRECT NUCLEIC ACID SEQUENCING**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT  
UNDER 35 U.S.C. § 121 AND 372**

In response to the Restriction/Election Requirement set forth in an Office Action (Part of Paper No./Mail Date 26052004) mailed June 1, 2004, the Office Action restricted the pending claims into two groups as follows:

Group I: Claims 1-13, drawn to a special technical feature of a method for nucleotide base sequencing, the method comprising immobilizing a polymerase on solid support; providing a nucleic acid sample and a plurality of different oligonucleotide primers, providing four different nucleotides, each nucleotide being differentially-labeled with a detachable labeling group and blocked at the 3' portion with a detachable blocking group; extending the primer hybridized to the nucleic acid sample with the differentially-labeled nucleotide that is complementary to the sample nucleic acid; removing nucleotides that have not been incorporated in the primer; detecting the labeled nucleotide incorporated into the elongating primer, thereby identifying the complement of the labeled 3'-blocked nucleotide; separating the 3' blocking group and the labeling group

from the incorporated nucleotide; separating the 3' blocking group and the separated labeling group; confirming separation and removal of the 3' blocking group from the nucleotide incorporated in the primer; and repeating steps until either no new nucleotides are incorporated or the 3' blocking group persists in not being separated and removed.

Group II: Claims 14-23, drawn to a special technical feature of an immobilized polymerase system comprising: a reaction center comprising solid support and a polymerase immobilized on the solid support, a nucleic acid sample and an oligonucleotide primer capable of hybridizing to the nucleic acid sample.

Applicants elect Group I for prosecution with traverse. The restriction is traversed because the two groups are related as product and process of use and it would not be an undue burden to examine both sets of claims. For this reason, Applicants request that the restriction requirement be withdrawn.

Applicants have filed this Response along with a Petition for One-Month Extension of Time, and thereby the Response is due on/before August 2, 2004 (August 1, 2004 being a Sunday).

The Commissioner is authorized to charge any additional fees that may be due to the undersigned's Deposit Account No. 50-0311, Customer Number: 35437, Reference No. 18921-001 NATL.

Respectfully submitted,



Dated: July 28, 2004

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